

**FILED**

AO 91 (Rev. 11/11) Criminal Complaint

**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO****UNITED STATES DISTRICT COURT**

for the

SEP 25 2019

District of New Mexico

United States of America )  
 v. )  
 Fermin Yibran TAPIA-MENDOZA )  
 YOB: 1983 )  
 )  
 )  
 )

**MITCHELL R. ELFERS  
CLERK**

Case No. 19mj3356

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 25, 2019 in the county of Bernalillo in the  
State and District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

8 U.S.C. §§ 1326(a) and (b) Reentry of a Removed Alien

This criminal complaint is based on these facts:

See attached

 Continued on the attached sheet.
  
 Complainant's signature  
 Matthew D. Salcido Deportation Officer  
 Printed name and title

Sworn to before me and signed in my presence.

Date: 09/25/2019
  
 Judge's signature  
 John F. Robbenhaar
City and state: Albuquerque, New Mexico
 Honorable John F. Robbenhaar Magistrate Judge  
 Printed name and title

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO  
UNITED STATES OF AMERICA**

v.

**Fermin Yibran TAPIA-MENDOZA**

**AFFIDAVIT IN SUPPORT OF PROBABLE CAUSE ARREST**

I, Matthew Salcido, duly sworn, hereby depose and state the following:

**INTRODUCTION AND AGENT BACKGROUND**

Your affiant is a Deportation Officer (DO) with the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), and has been employed by ICE as such since July of 2011. Your affiant was an Immigration Enforcement Agent with ICE ERO from March of 2007 to July of 2011. Prior to March of 2007, your affiant was a Customs and Border Protection Officer with United States Customs and Border Protection since March 2005. Your affiant is currently assigned to the Assistant Field Operations Director in Charge, Albuquerque, New Mexico where it is your affiant's duties to investigate violations of Immigration law.

The information contained in this affidavit is not an exhaustive account of everything your affiant knows about this case. Rather, it contains only the facts that your affiant believes are necessary to establish probable cause in support of a criminal complaint against Fermin Yibran TAPIA-MENDOZA for violation of Title 8, United States Code, §§ 1326(a) and (b).

**DETAILS OF INVESTIGATION**

On September 25, 2019, DO Salcido was contacted by the Drug Enforcement Administration (DEA) regarding multiple individuals that were encountered during the execution of a narcotics search warrant. DEA advised one of the individuals detained was Fermin TAPIA-MENDOZA.

DO Salcido conducted records checks via the Law Enforcement Communications Center (LESC) who advised that TAPIA-MENDOZA was a previously removed aggravated felon.

DO Salcido arrived at the location of the search warrant, identified himself and deployed a mobile fingerprint device. Fingerprint records revealed that TAPIA-MENDOZA was in fact a citizen and national of Mexico who was illegally present in the United States after being deported. Fingerprints records reveal that TAPIA-MENDOZA had previously been issued alien number XXX XXX 887 and FBI number XXXXXXCC3.

TAPIA-MENDOZA was arrested and transported to the ICE office in Albuquerque, NM. At the office DO Salcido conducted exhaustive review of said Alien and FBI number and found the following.

- On May 21, 2012, TAPIA-MENDOZA was convicted in the Second Judicial District Court in the County of Bernalillo and the State of New Mexico, for the offense of Trafficking and Conspiracy to Commit Trafficking methamphetamines, in violation of NMSA Section 30-31-20 and 30-28-2 and 30-31-20, for which the sentence imposed was nine (9) years suspended to five (5) years supervised probation.
- On May 23, 2012, TAPIA-MENDOZA was issued an Administrative Final Order of Removal from the United States.
- On May 25, 2012, TAPIA-MENDOZA was physically removed from the United States to Mexico.
- On October 17, 2013, TAPIA-MENDOZA was convicted in the United States District Court, District of Southern California for the offense of Misuse of a Passport, in violation of Title 18 United States Code § 1544. TAPIA-MENDOZA was sentenced to 6 months incarceration.
- On January 21, 2014, TAPIA-MENDOZA was physically removed from the United States to Mexico.
- TAPIA-MENDOZA has not applied for nor received permission from the Department of Homeland Security to Reenter the United States after being deported.

Based on the foregoing, your affiant believes that there is probable cause that, in the State and District of New Mexico, TAPIA-MENDOZA, is in violation of Title 8 United States Code, § 1326 (a) and (b), Reentry of a Removed Alien.



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Matthew D. Salcido  
Deportation Officer

Subscribed and sworn to before me  
This 25th day of September 2019



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Honorable John R. Robbenhaar  
United States Magistrate Judge